

Summary of Severity Level I and II Enforcement Actions for FY 2001 and FY 2002

Severity I:

Southeast Missouri State University
Cape Girardeau, Missouri
EA 00-201
Docket No. 030-33508

On September 13, 2001, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$11,000 was issued for a Severity Level I problem involving the failure to: (1) control activities to limit doses in accordance with requirements, (2) make necessary surveys to determine radiological hazards, and (3) possess only material authorized on the University's license.

Severity II:

Advanced Medical Imaging and Nuclear Services
Easton, Pennsylvania
EA 02-072
Docket No. 030-35594

On October 22, 2002, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$43,200 was issued for a Severity Level II problem involving willfully using byproduct material without an Authorized User, failing to appoint a Radiation Safety Officer, and creating incomplete and inaccurate records. Although the normal civil penalty assessment process would have resulted in a base civil penalty, the NRC exercised discretion in accordance with Section VIIA.3 of the Enforcement Policy and assessed a base civil penalty for each day the violation continued after the licensee's consultant raised the issue. Discretion was warranted base on the egregiousness of the violations, the level of management involved, the economic benefit of being in noncompliance, and the failure to take corrective action after the consultant's finding.

Bristol-Myers Squibb Radiopharmaceuticals, Inc.
Rio Piedras, Puerto Rico
EA 02-160
Docket No. 030-34187

On August 22, 2002, a Notice of Violation was issued for a Severity Level II problem involving the failure to control occupational dose (two operators received extremity overexposures) and the failure to perform adequate surveys to evaluate radiation exposure to the extremities.

Eastern Isotopes, Inc.
Charlotte, North Carolina
EA 02-097
Docket No. 030-32974

On July 30, 2002, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$4,800 was issued for a Severity Level II violation involving an overexposure to a pharmacist in excess of NRC requirements. Although the civil penalty would have been fully mitigated based on the normal civil penalty assessment process, the NRC exercised enforcement discretion in accordance with Section VII.A.1 of the Enforcement Policy and proposed a base civil penalty because the violation was assessed at Severity Level II and because it resulted in an overexposure.

J. L. Shepherd and Associates
San Fernando, California
EA 02-043
Docket Nos. 71-0122, 71-6280

On August 13, 2002, an Order Imposing Civil Monetary Penalty in the amount of \$19,200 was issued. The action was based on a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$19,200 that was issued on June 11, 2002 for a Severity Level II problem involving the willful failure to comply with a Certificate of Compliance with regard to fabrication and shipment of packages. The licensee's July 10, 2002, response did not deny that the violations occurred as stated in the Notice, but requested mitigation of the penalty. After considering the licensee's response, the NRC concluded that the violations occurred as stated and that there was not an adequate basis for mitigating the civil penalty.

South Pittsburgh Cancer Center
Pittsburgh, Pennsylvania
EA 01-132
Docket No. 030-34832

On August 22, 2001, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$8800 was issued for a Severity Level II violation involving the deliberate possession of depleted uranium (in the form of bricks used for shielding within two linear accelerators) without authorization in a specific license issued by the NRC.